

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JASON ALFORD, *et al.*,

*

Plaintiffs,

*

v.

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Case No. 1:23-cv-00358-JRR

**THE NFL PLAYER DISABILITY,
& SURVIVOR BENEFIT PLAN, *et al.*,**

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Defendants.

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AMENDED SCHEDULING ORDER

This scheduling order is entered pursuant to Local Rule 103.9. Inquiries concerning the schedule should be directed to chambers, not the Clerk's Office. Any request for modification of this order, or request that a conference be held for the purpose of seeking a modification of this order, must be filed in writing before the first date set forth in Paragraph I below. Thereafter, **the schedule will not be changed except for good cause.** This case is subject to electronic filing. All parties must be familiar with the procedures for electronic filing available at: www.mdd.uscourts.gov. Inquiries regarding electronic case filing should be directed to the Clerk's Office, not chambers.

I. DEADLINES

July 22, 2024:	Plaintiffs' Rule 26(a)(2) disclosures
August 22, 2024:	Defendants' Rule 26(a)(2) disclosures
September 12, 2024:	Plaintiffs' rebuttal Rule 26(a)(2) disclosures
January 3, 2025:	Rule 26(e)(2) supplementation of disclosures and responses
January 23, 2025	Discovery deadline; submission of status report
January 30, 2025	Requests for admission
March 3, 2025	Dispositive pretrial motions deadline ¹

Plaintiffs' motion for class certification shall be due 90 days from the entry of this order; response/opposition due 60 days following the motion; replies due 45 days following response.

¹ The parties expect to negotiate and submit for the Court's approval a full briefing schedule on dispositive motions based on prevailing circumstances at the time they are filed.

II. DISCOVERY

- A. Rules Governing Discovery Disclosures.** Unless otherwise specified herein or by other court order, the parties shall conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules. Parties shall also be familiar with the Discovery Guidelines of this court, contained in Appendix A to the Local Rules. Appendix D contains guidelines for form discovery requests and confidentiality orders.
- B. Electronically-Stored Information (ESI).** If either or both parties intend to take discovery of ESI, counsel should review the Principles for the Discovery of Electronically Stored Information in Civil Cases. The Principles, prepared by a joint bench/bar committee, are available at www.mdd.uscourts.gov/sites/mdd/files/ESI-Principles.pdf. The parties are expected to cooperate in determining the search technology, methodology, and criteria to be employed, and the custodians whose files are to be searched, to comply with discovery requests for ESI.

III. POST-DISCOVERY JOINT STATUS REPORT

On the day of the discovery deadline, the parties shall file a Post-Discovery Joint Status Report covering the following matters:

1. Whether discovery has been completed;
2. Identifying by title and CM/ECF number all pending motions, if any;
3. Whether any party intends to file a dispositive pretrial motion;
4. Whether the case is to be a jury trial or a non-jury trial, as well as the anticipated length of trial;
5. A certification that the parties have met to conduct earnest settlement negotiations, to include the date, time, and place of all settlement meetings, as well as the names of all persons participating;
6. Whether each party believes it would be helpful to refer this case to a United States Magistrate Judge for a settlement conference, either before or after the resolution of any dispositive pretrial motion;
7. Whether all parties consent, pursuant to 28 U.S.C. § 636(c), to have a United States Magistrate Judge conduct all further proceedings in this case, either before or after the resolution of any dispositive pretrial motion, including trial (jury or non-jury) and entry of final judgment; and
8. Any other matter the parties wish to bring to the court's attention.

IV. DISPOSITIVE PRETRIAL MOTIONS

If more than one party intends to file a summary judgment motion, the provisions of Local Rule 105.2(c) apply. After all dispositive motions and any responses have been filed, the court will advise the parties if a hearing is to be scheduled.

V. PRETRIAL CONFERENCES

After receiving the Post-Discovery Joint Status Report, the court will schedule an Initial Pretrial Conference, unless the Post-Discovery Joint Status Report indicates that a dispositive pretrial motion will be filed. In such a case, the court will schedule the Initial Pretrial Conference following ruling on the motion (or the dispositive pretrial motion deadline passes without the anticipated motion being filed).

At the Initial Pretrial Conference, the court will:

1. Set a deadline for submitting the pretrial order pursuant to Local Rule 106, motions *in limine*, proposed voir dire questions, and proposed jury instructions;
2. Set the Final Pretrial Conference date and a trial date; and
3. Inquire whether a settlement or other ADR conference with a judicial officer would be useful. Counsel are expected to confer with their clients about this matter before the Initial Pretrial Conference so they can respond to this inquiry.

VI. ATTORNEYS' FEES

In any case where attorney's fees may be sought by the prevailing party, counsel must be familiar with Local Rule 109.2 and Appendix B of the Local Rules: Rules and Guidelines for Determining Attorneys' Fees in Certain Cases.

VII. COMPLIANCE WITH PRIVACY PROTECTION RULE

Counsel are reminded that the Federal Rules of Civil Procedure were amended, effective December 1, 2007, with the addition of a new Rule 5.2, which has detailed requirements requiring the redaction of filings with this court that contain an individual's social security number, tax payer identification number, or birth date; the name of an individual known to be a minor; or a financial account number. It is essential that counsel comply with this rule and with the revised version of the Judicial Conference Privacy Policy adopted in March 2008, available at www.mdd.uscourts.gov/news/notice-new-privacy-rules-and-judicial-conference-privacy-policy-2008-03-18t000000.

Date: June 3, 2024

/s/

Julie R. Rubin
United States District Judge